

**MINUTES OF THE MEETING
LEE ZONING BOARD OF ADJUSTMENT
Wednesday, April 15, 2015
7:00 PM**

MEMBERS PRESENT: Jim Banks, Chairman; John A. Hutton III; David Allen; Frank Reinhold, Jr. Alternate; Peter Hoyt, Alternate; Craig Williams, Alternate and Roy Wilson, Alternate.

OTHERS PRESENT: Jan Pigott; Toni Hartgerink; Kory Arthur; Peter Landry, Landry Surveying; Paul Myers; and Caren Rossi, Planning/Zoning Administrator.

MINUTES

Approval of 11-19-2014 2014 Draft Minutes

Frank Reinhold made a motion to approve the minutes.

John Hutton, second.

Vote: all minutes approved.

New Business

The Board determined the voting members for this application would be: Jim Banks, John Hutton; David Allen; Frank Reinhold, Alternate and Roy Wilson, alternate.

(ZBA1415-12)

An application made by Robert J Korey & Tracey Arthur, 2 Haley Court and is known as Lee Tax Map # 25-08-0100. The applicant is requesting a Variance to Article V, Section B-3, Back & Side Setback. The applicant is requesting to construct an addition to an existing garage, 15' + - from the side property line where 25' is required. The request is to the 2015 Town of Lee Zoning Ordinance.

John Hutton Clerked and read the notice into the record.

Korey Arthur explained that he and his wife wish to build an addition onto their existing garage. They do not have the room they need in the original garage to store all of the items they have and need to maintain their yard year round. Building the addition to the existing garage will allow them to do their own

maintenance of the property as well as house the cars of their aging and special needs family when they visit. He addressed the variance criteria. (in file) He spoke also that the lots are reduced in size in this neighborhood. If they were to build a standalone building it would not blend well with the neighboring homes and would not allow safe access into the home from the garage.

Public Comment

Jan Pigott abutter spoke in favor of the application.

Jim Banks, Chairman felt the request was a reasonable request.

Other board members agreed.

The Board determined the following Findings of Fact:

PRELIMINARY FINDING

After reviewing the petition and having heard the presentation by the applicant, the Board finds that it does not have sufficient information upon which to render a decision. The public hearing will be postponed until _____.

There is sufficient information before the Board to proceed. **Yes all**

FINDINGS

After reviewing the petition and considering all of the evidence as well as the Board members' personal knowledge of the property in question, the Board makes the following determinations pursuant to RSA 674:33. The Board has checked each statement that applies.

- 1) Granting the Variance will not be contrary to the public interest. Yes majority

- 2) Granting the variance would be consistent with the spirit of the ordinance. Yes majority

- 3) In granting the variance, substantial justice is done. Yes majority

4) In granting the variance, the values of surrounding properties are Yes majority not diminished.

5) Literal enforcement of the provisions of the ordinance would result (A)Yes majority in an unnecessary hardship to applicant.

- A) To find that an "unnecessary hardship" exists, the Board must find:
 - o There are special conditions on the subject property that distinguish it from other properties in the area; *and*
 - o No fair and substantial relationship exists between the purpose of the ordinance and its application to the property in question.

John Hutton made a motion to grant the request made by Robert J Korey & Tracey Arthur, 2 Haley Court and is known as Lee Tax Map # 25-08-0100. The applicant is requesting a Variance to Article V, Section B-3, Back & Side Setback. The applicant is requesting to construct an addition to an existing garage, 15' + - from the side property line where 25' is required. The request is to the 2015 Town of Lee Zoning Ordinance.

Roy Wilson second.
Vote: all, motion carried.

Jim Banks, Chairman explained the 30-day appeal process to the applicant.

The Board determined the voting members for this application would be: Jim Banks, John Hutton; David Allen; Frank Reinhold, Alternate and Craig Williams, alternate.

(ZBA1415-13)

An application for a Variance from applicant Paul & Jennifer Myers of 24 Layne Drive, property is known as Lee Tax Map #11-04-1400, being the same lot as shown on Lee Tax Map #11-04-1500. The applicant is requesting a variance of the 2015 Lee Zoning Ordinance, Article XIV; Shoreland Conservation District, section C-b and/or Article XXIII, number-3, in that the applicant is proposing to expand/remodel/raze an existing dwelling with a

new dwelling and associated improvements that is within the Shoreland Conservation District where no permanent or temporary structures are allowed.

John Hutton clerked.

Caren Rossi explained that our tax maps have an error. The maps have the lot incorrectly numbered which is why there are two numbers referenced in the notice.

Peter Landry presented to the Board. He explained that the applicants wish to raze and replace the existing house with a newer home. They will not be expanding beyond what is there and the existing paved driveway. The lot is a substandard lot that is about 140' x 100' with an existing single family home. They have applied for the state permits as well. They have met with the conservation commission. They will be minimizing the overall impervious area and put the garage over the existing pavement. He read the variance criteria into the record. (In file).

Public comment

Toni Hartgerink spoke in favor of the application.

Frank Reinhold doesn't have any issues with the application.

David Allen spoke that they are not expanding the footprint.

Jim Banks, Chairman spoke that they are cleaning it up and improving the lot.

John Hutton spoke he has no issues with the application, feels it is an improvement. Also in line with what has been granted.

The Board determined the following Findings of Fact:

PRELIMINARY FINDING

After reviewing the petition and having heard the presentation by the applicant, the Board finds that it does not have sufficient information upon which to render a decision. The public hearing will be postponed until _____.

There is sufficient information before the Board to proceed. **Yes all**

FINDINGS

After reviewing the petition and considering all of the evidence as well as the Board members' personal knowledge of the property in question, the Board makes the following determinations pursuant to RSA 674:33. The Board has checked each statement that applies.

- 6) Granting the Variance will not be contrary to the public interest. Yes majority

- 7) Granting the variance would be consistent with the spirit of the ordinance. Yes majority

- 8) In granting the variance, substantial justice is done. Yes majority

- 9) In granting the variance, the values of surrounding properties are not diminished. Yes majority

- 10) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship to applicant. (A) Yes majority
 - B) To find that an "unnecessary hardship" exists, the Board must find:
 - o There are special conditions on the subject property that distinguish it from other properties in the area; *and*
 - o No fair and substantial relationship exists between the purpose of the ordinance and its application to the property in question.

John Hutton made a motion to grant the variance request from Paul & Jennifer Myers of 24 Layne Drive, property is known as Lee Tax Map #11-04-1400, being the same lot as shown on Lee Tax Map #11-04-1500. The applicant is requesting a variance of the 2015 Lee Zoning Ordinance, Article XIV; Shoreland Conservation District, section C-b and/or Article XXIII, number-3, in that the applicant is proposing to expand/remodel/raze an existing dwelling with a new dwelling and associated improvements that is within the Shoreland Conservation District where no permanent or temporary structures are allowed.

Frank Reinhold second.

Vote: all, motion carried.

Jim Banks, Chairman explained the 30-day appeal process to the applicant.

MINUTES TRANSCRIBED BY:

Caren Rossi, Planning & Zoning Administrator

MINUTES APPROVED BY:

Jim Banks, Chairman

John A. Hutton III

David Allen

Roy Wilson, Alternate

Frank Reinhold, Alternate

Peter Hoyt, Alternate

Craig Williams, Alternate